C-152 (3)

Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

M.A. No. 349 /2004.

APPELLANT
NON- APPLICANT No.1 : Abdul Rashid Siddique S/o Gulam Miyan, aged about 60 years occupation - Business, resident of Jarahagarh Ward, P.S. & Tahsil Ambikapur, Distt. Surguja (C.G.).

Versus

RESPONDENTS
APPLICANT No.1 1. Janeshwar Shukla S/o Permanand Shukla, aged about 53 years.

APPLICANT No.2 2. Ram Uday Shukla S/o Janeshwar Shukla, aged about 28 years.

APPLICANT NO.3 3. Sanjay Kumar Shukla S/o Janeshwar Shukla, aged about 26 years.
All are resident of village Jamwantpur, Tah. & P.S. Ramanuj Ganj, Tahsil Pal, Present address Ramanujganj Road, Kali Mandir, Shankar Ghat, Ambikapur, P.S. & Tah. Ambikapur Distt.Surguja (CG)

P. R. No. 5891 dt. 14.9.04
Presented by Shri A.N. Pandey
dated 01.10.04

NON APPLICANT No.2 4. Ramdeni S/o Malluram Harijan, occupation Driver, aged about 35 years, resident of village Geruwa, P.S. Meral, Distt.Garhwa Bihar now Jharkhand.

NON APPLICANT No.3 5. The Oriental Insurance Co.Ltd. Branch Office, Sadar Road, Ambikapur, P.S. & Tah. Ambikapur, Distt. Surguja (C.G.)

....contd....

APPEAL UNDER SECTION 173(1) OF THE MOTOR VEHICLE ACT 1988

(23)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A. 349/2004 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	7.5.2004 On a mention being made, the matter is taken up for hearing. Shri A.N.Pandey, counsel for the appellant. Shri A.K. Prasad, counsel for respondents 1 to 3. The appellant has preferred this appeal under Section 173(1) of the Motor Vehicles Act being aggrieved by the order dated 7.7.2003 passed by the learned 2nd Additional Accident Claims Tribunal, Ambikapur, whereby the learned Tribunal has passed the order on the application filed under Section 140 of the Motor Vehicles Act, directing the appellant, who is the owner of the Bus, to pay Rs.50,000/- towards no fault liability in terms of Section 140 of the Motor Vehicles Act. I have heard the learned counsel for the ~~parties~~ appellant. Learned counsel for the appellant submits that the appellant has been directed to pay the whole amount, whereas Insurance Company ought to have been directed to pay the amount. I have perused the impugned order in which it has been specifically mentioned that the Driver was driving the vehicle without any valid licence in breach of the conditions of the Insurance Policy and accordingly, directed the appellant to pay the no fault liability amount of Rs.50,000/-. Learned counsel for the appellant submits that at the relevant time, the driver was having the valid licence. But, I don't find any substance in the arguments of the learned counsel of the	

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित (2)	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

appellant because neither the licence was submitted before the learned Tribunal nor any point was raised that there is no breach of the conditions of the Insurance Policy.

In view of the above, I don't find any illegality or irregularity in the impugned order, hence the appeal is liable to be dismissed and the same is dismissed.

Sd/-
L.C.BHADOO
Judge

Sunita